

APPOINTMENT COMMITTEE

Internal Rules and Procedure

Approved by the Court's Plenary in session on April 7, 2021

a) General

1. The procedure for the appointment and confirmation of arbitrators involves two bodies of the Court: the Secretariat and Appointment Committee ("**Committee**"). It is structured in two phases: proposal phase and decision phase.
2. The Secretariat is composed of the Secretary General and the legal advisers.

b) Appointment Committee

Composition

3. The Ordinary Committee shall consist of a minimum of four and a maximum of six ordinary members. The permanent member of the regular Committee shall be the President of the Court ("**President**"). The remaining members ("**External Members**") shall be persons of recognized standing in the legal world from outside the Chamber.
4. In addition to the ordinary members, two non-permanent international members may be appointed. They shall participate exclusively in the process of appointment of arbitrators in international arbitrations when the President, due to the complexity, amount or specific circumstances of the arbitration, deems it appropriate (Extraordinary Committee).
5. External Members (including international members) shall be elected for two-year terms, renewable for one additional year, and shall remain in office as members of the Committee until the date of the first Court's Plenary Session following the expiration of the term (initial or extended) for which they were appointed. Once a term has expired, a minimum period of one year must elapse before they are eligible for re-election. Membership of the Committee shall not be remunerated. The Statute of the Court, and in particular Article 8¹, shall apply to the functioning of the Committee.

Functions

6. The Committee shall be responsible for the selection of arbitrators to be appointed by the Court, whether as administrative entity, or as appointing authority, in cooperation with judicial authorities or otherwise, as well as for the

¹ According to Article 8: "The resolutions adopted by the Plenary of the Court or by any of its Committees shall be by majority vote, the President having the deciding vote in the event of an equality of votes. The resolutions of the Court's Plenary or of any of its Committees shall be valid regardless of the number of those attending, provided that the meeting has been convened with due notice".

confirmation of arbitrators proposed by the parties (except as provided in paragraph 15).

Meetings and vote

7. The Committee may hold meetings and take decisions by any means deemed appropriate by the President, including face-to-face meetings (whether by physical presence or virtually) or non-face-to-face, through the use of remote means of communication that do not require simultaneous presence (such as e-mail, whatsapp or other similar).
8. When a meeting is held exclusively by remote means of communication that do not require simultaneous presence, the corresponding proposal shall be considered approved or rejected when there is a majority of votes.
9. The President or the person delegated by her shall chair the Committee. The Secretary General or any other member of the Secretariat delegated by him or her may attend the Committee with the right to speak but not to vote.

c) Appointment procedure

Proposal Phase

10. The Secretariat, acting in consultation with the President, shall prepare a proposal of potential arbitrators ("**Proposal**"), suggesting one or more candidates, when it is appropriate to appoint an arbitrator.
11. This is subject to the President's opinion that it is appropriate to propose a larger number of candidates for a specific arbitration or to opt for another system of appointment of arbitrators (such as lists or similar). In such cases the President shall explain the reasons to the Committee at the decision stage.
12. The selection of candidates at this stage will be made on the basis of the following guidelines:
 - **Main guideline:** candidates must have the experience and knowledge required by the complexity and relevance of the arbitration. In this context, consideration will be given, among others, to the following factors: nationality, language, the need for specific expertise or experience and availability.
 - **Additional guidelines:** in addition to the above, the following factors may be taken into account: date of last appointment, age, gender, or the convenience of involving new professionals in the Court's activity. As long as the Court has a formal and public list of arbitrators, membership of such a list shall also be considered as a factor to be taken into account.
13. The proposal shall be made on the basis of Annex I. CVs of each of the candidates shall be attached to the Proposal.

Decision Phase

14. The Committee shall consider the Proposal submitted by the Secretariat and may, in relation to each specific arbitration proceeding:

- Appoint the arbitrator from among the proposed candidates;
- Request the submission of a new Proposal; or
- Appoint an arbitrator not proposed by the Secretariat provided that (i) the Secretariat is consulted beforehand and (ii) it is approved by unanimous vote of the members present at the vote.

d) Confirmation

15. The Secretariat shall, when confirming an arbitrator, take into consideration the circumstances of the case and the submissions of the parties:

- (i) If the arbitrator has not made any disclosures and the parties have not made submissions within the relevant time limit, the Secretary General may approve the confirmation of the arbitrator without further delay if he or she deems it appropriate
- (ii) In all other cases, the Secretariat shall, after consultation with the President of the Court, submit a proposal for confirmation to the Committee, on the basis of Annex II.

16. In order to streamline the proceeding, the Secretariat may submit confirmatory proposals to the Committee before the end of the period subject to the parties' submissions, conditional upon the parties' failure to make submissions. If observations are finally submitted, the proposals which have been approved shall be resubmitted to the Committee for reconsideration.

e) Committee Minutes

17. The President, whoever has acted as President or the person authorized to do so by the President shall reflect the decisions of the Committee in an e-mail sent to the Secretariat and to all members of the Committee (including international members, if they participated). The Secretariat shall keep such e-mail on a file and the Secretary General may issue certificates of its contents with the President's approval.

f) Supplementary character

18. These rules are supplementary to those set out in the Statutes and the Rules of Procedure of the Court and shall remain in force until such time as they are amended or revoked by the Plenary of the Court.

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